United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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No. 24-1135   **September Term, 2024**

EPA-89FR42932

Filed On: December 30, 2024

Denka Performance Elastomer LLC,

      Petitioner

      v.

Environmental Protection Agency and
Michael Regan, Administrator, United States
Environmental Protection Agency,

      Respondents

Air Alliance Houston, et al.,
          Intervenors

Consolidated with 24-1228, 24-1246,
24-1249, 24-1250, 24-1251, 24-1252

BEFORE: Katsas, Childs, and Garcia, Circuit Judges

O R D E R

Upon consideration of Environmental Petitioners' motion to sever issue and hold severed case in abeyance, the opposition thereto, and the reply, it is

ORDERED that the motion be granted and that the following issue raised by Environmental Petitioners in No. 24-1251 be severed, assigned a separate docket number, No. 24-1387, Concerned Citizens of St. John v. EPA, and held in abeyance pending further order of the court:

> Whether EPA acted arbitrarily or unlawfully by promulgating malfunction exemptions that allow uncontrolled hazardous air pollution releases from pressure relief devices and visibly emitting flares at least once or twice every three years.

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The parties in No. 24-1387 are directed to file motions to govern further proceedings within 30 days of this court's disposition of No. 16-1033, et al., American Fuel & Petrochemical Manufacturers v. EPA; No. 20-1336, et al., RISE St. James v. EPA; No. 20-1414, et al., Huntsman Petrochemical LLC v. EPA; or No. 24-1174, et al., American Chemistry Council v. EPA, whichever is decided first. It is

     FURTHER ORDERED, on the court's own motion, that in No. 24-1135, et al., Environmental Petitioners' briefing allotments are now 9,400 words for their opening brief and 4,700 words for their reply brief, and the allotment for respondents' brief is now 44,500 words.

Per Curiam

                                 FOR THE COURT:
                                 Mark J. Langer, Clerk

               BY: /s/
                        Lynda M. Flippin
                        Deputy Clerk